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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,083	07/23/2007	Dirk Lappe	11336.1235 (P01040US)	9650

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EXAMINER

LI, CE LI

ART UNIT	PAPER NUMBER
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3661

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,083	Applicant(s) LAPPE ET AL.	
	Examiner CE LI	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/23/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation “the third set of data” in line 3. There is insufficient antecedent basis for this limitation in the claim. It is suggested to amend to –a third set of data —, or amend the claim to depend on claim 2 instead of claim 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, and 9-12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ohler et al. (US 6,424,910).

Ohler discloses a method coordinating routes of a plurality of navigation devices comprising:

receiving a first set of data by a first navigation device (col. 10, lines 8-10),

Art Unit: 3661

receiving a second set of data from a second navigation device by the first navigation device (col. 11, lines 19-20), the second set of data including data representing a current position of the second navigation device,

and calculating first positional data in the first navigation device on the basis of the first set of data and the second set of data so as to specify a route of the first navigation device (col. 11, lines 30-44).

Further comprising transmitting a third set of data from the first navigation device to the second navigation device, the third set of data representing at least a portion of the calculated first positional data (col. 11, lines 30-36).

Further comprising transmitting a request signal from the first navigation device to the second navigation device to initiate transmission of the second set of data (col. 11, lines 16-17).

Where the first positional data represent at least one common point of a proposed route for the first and the second navigation device (col. 11, line 55).

Transmitting position data of each of the plurality of navigation devices via a network to a host device, the position data including at least a destination of each route and a current position of each navigation device (col. 9, lines 16-24),

determining at least one intermediate position for each route of the plurality of navigation devices by the host device (col. 9, lines 41-45),

and transmitting the at least one intermediate position for each route to the respective navigation device associated with the each route (col. 9, lines 53-55),

where the host device is provided by a service provider (col. 9, line 19),.

where the host device is operable as a navigation device based on a global positioning system (col. 10, lines 6-26),

Further comprising determining the route in each navigation device on the basis of the at least one intermediate position of the route and the current position of the navigation device (col. 9, lines 41-55).

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohler et al. (US 6,424,910) in view of Bates et al. (US 6,944,443).

Ohler discloses a navigation devices comprising:

a first receiving section configured to receive and decode a first signal indicating a current position of the navigation device (col. 10, lines 8-10),

Art Unit: 3661

a request signal for communication with an external device and external positional data via a communications network (col. 11, lines 16-17).,

a calculation unit configured to calculate, upon receipt of the confirmation signal by the second receiving section, positional data for a route of the mobile navigation device on the basis of the first signal and the external position data (col. 11, lines 30-44),

and a transmission section configured to encode the confirmation signal, the request signal and the positional data and to output a signal representing the request signal or the positional data via the communications network (col. 11, lines 30-44).

where the second receiving section and the transmission section each comprise an interface for wireless communication (col. 2, lines 58-61) with external devices according to a specified data communications standard.

where the second receiving section and the transmission section each comprise an interface to a mobile phone (col. 2, lines 58-61).

where the second receiving section and the transmission section comprise a high frequency demodulator and a high frequency modulator (col. 2, lines 58-61), respectively, so as to receive the confirmation signal and transmit the request signal, respectively.

where the calculation unit is configured to calculate the positional data on the basis of geographical data representing a road map (col. 3, lines 18-36)

Ohler does not explicitly disclose a second receiving section configured to receive and decode a confirmation signal for communication with an external device and transmitting a confirmation signal by the second navigation device to acknowledge data communication with the first navigation device.

Bates discloses a second receiving section (Figure 5 and 6 and col. 6, lines 50-65) configured to receive and decode a confirmation signal for communication with an external device and transmitting a confirmation signal (Figure 5 and 6 and col. 6, lines 50-65) by the second navigation device to acknowledge data communication with the first navigation device for the purpose of identifying the second communication device to the first communication device to make sure the first communication device is communicating to the right device.

Therefore, given the teaching of Bates, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have readily recognized the desirability and advantages of modifying the navigation device of Ohler by employing the well known or conventional features of transmitting and receiving a confirmation signal, as disclosed by Bates, in order to identify the second navigation device to the first navigation device to make sure the first navigation device is getting the correct positional data by communicating to the right navigation device.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohler et al. (US 6,424,910) in view of Saiki (US 7,058,507).

Although the method disclosed by Ohler shows substantial features of the claimed invention (discussed in the paragraphs above), it fails to disclose: calculating second positional data in the second navigation device on the basis of the current position of the second navigation device and the third set of data; where the first positional data and the second positional data are calculated on the basis of an estimated average speed of the first navigation device and the second navigation device; receiving an updated version of the second set of data and calculating the first positional data on the basis of the updated second set of data.

Saiki discloses:

calculating second positional data in the second navigation device on the basis of the current position of the second navigation device and the third set of data (col. 10, lines 13-16);

where the first positional data and the second positional data are calculated on the basis of an estimated average speed of the first navigation device and the second navigation device (col. 1, lines 20-23, col. 6, lines 61-62);

receiving an updated version of the second set of data and calculating the first positional data on the basis of the updated second set of data (col. 11, lines 8-28) for the purpose of selecting a meeting place suitable and convenient to all users and updating the meeting place with respect to current traffic jams and other conditions

Therefore, given the teaching of Saiki, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have readily recognized the desirability and advantages of modifying the navigation device of Ohler by employing

Art Unit: 3661

the well known or conventional features of calculating and updating second positional data, as disclosed by Saiki, in order to select a meeting place suitable and convenient to all users and update the meeting place with respect to current traffic jams and other conditions.

7. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohler et al. (US 6,424,910) and Bates et al. (US 6,944,443), as applied to claims 13 above, and further in view of Saiki (US 7,058,507).

Ohler further discloses a navigation system comprising a first and a second navigation device comprising:

a host unit configured to receive positional data from the first and the second navigation devices (col. 9, lines 16-24), calculate first and second proposed positional data for the first and second navigation devices (col. 9, lines 49-56), and to communicate the first proposed positional data to the first navigation device and the second proposed positional data to the second navigation device to coordinate a route of the first and second navigation devices (col. 9, lines 49-56),.

where the host unit is implemented in at least one of the first or the second navigation device and where at least one of the first or second navigation device comprising the host unit further includes an activation means to activate the host unit upon user request (col. 10, lines 6-20).

where the host unit is connected to a network service provider(col. 9, line 19).

Ohler and Bates do not explicitly disclose a user interface configured to report the receipt of the request signal to a user, and to initiate the transmission of the confirmation signal upon user request.

Bates disclose an input/output interface for enabling the transmission of information, and Saiki discloses a user interface configured to report the receipt of the meeting place signal to a user, and to initiate the transmission of the selected meeting place upon user request instead of report the receipt of request signal and initiate transmission of conformation signal. Since Saiki's user interface can report the receipt of the meeting place signal to a user, and to initiate the transmission of the selected meeting place upon user request, it should also be able to report the receipt of request signal and initiate transmission of conformation signal.

Therefore, given the teaching of Saiki, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have readily recognized the desirability and advantages of modifying the navigation device of Ohler by employing the well known or conventional features of user interface, as disclosed by Saiki, in order to notify a user of a incoming request signal and let the user confirm the request and start the transmission of its positional data to the other user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CE LI whose telephone number is (571)270-5564. The examiner can normally be reached on Monday to Friday, 9AM-5PM, EST, every other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571)272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CE LI/
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661